

this case, and exhibited by the proceedings in the cause, covered by the authorities referred to, it must be dismissed.

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STOCKETT, for the Petitioner.

McLEAN, for the Purchaser.

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ANN HALL ET AL	}	MARCH TERM, 1852.
vs.		
WILLIAM C. HALL ET AL.		

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[WIFE'S EQUITY—ACT OF 1841, CH. 161.]

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THE wife is entitled to a provision out of her estate, when the aid of a court of equity is necessary to enable the husband or his assignees to get possession of it, as a matter of *right*, but the amount is a subject of discretion depending upon the special circumstances of each case.

The act of 1841, ch. 161, protects the interest of the husband in real estate of the wife from *liability* for his debts during the life of the wife, and this protection extends to the proceeds of such estate when sold for the purposes of partition.

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[The real estate of Benedict W. Hall, who died in 1843, was sold under the decree in this case, for the purpose of partition amongst his heirs at law. One of those heirs, Jane S. Hall, previous to the death of her father, had intermarried with one William F. Turner, by whom she had issue, and who subsequently, on the 24th of March, 1843, applied for the benefit of the insolvent laws. His trustee in insolvency filed his petition in this case, claiming the value of said Turner's curtesy interest in his wife's share of said real estate, for the benefit of creditors. This application was resisted by Turner and wife, and they pray that, if any relief as sought for by the petitioner be granted, the court will protect the equity of the wife by allowing her, out of the proceeds of sale, such provision for the support of herself and children as justice and equity may require. They further allege in their answer, that they are the parents of nine children, all minors, that the husband is not